

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**In Re: BILLY L. EDWARDS,
aka WILLIAM LORD PUNCHARD,**

No. 15-cv-0631 MCA/SMV

Petitioner.

ORDER

THIS MATTER is before the Court sua sponte.

Petitioner is a restricted filer. *See* [Doc. 92], filed February 5, 2008 in D.N.M. No. 07-cv-0589 MV/KBM. The Order imposing filing restrictions states that Petitioner is “a frequent filer of frivolous litigation in the New Mexico state and federal courts,” has filed numerous actions beginning in 1986 and continuing through 2007, “has caused needless expenses to opposing parties[,] and has diverted scarce judicial resources from addressing claims with merit.” *Id.* at 2, 8. The Court ordered that Petitioner may not proceed in this Court unless he is represented by a licensed attorney or first obtains permission to proceed pro se.

Petitioner submitted a petition to proceed pro se, a two-page “Short Discussion,” and an affidavit. *See* [Doc. 2] at 3–8. Those materials indicate that Petitioner wishes to initiate a case in this Court arising from proceedings in State Court regarding a real estate contract. Chief United States Magistrate Judge Karen B. Molzen reviewed Petitioner’s materials, characterized the Short Discussion as “largely unintelligible and confusing,” and decided to not permit Petitioner to proceed pro se. *Id.* at 1–2. Chief United States District Judge M. Christina Armijo approved Chief Magistrate Judge Molzen’s decision to not permit Petitioner to proceed pro se. Chief

Magistrate Judge Molzen notified Petitioner of the Court's decision. Petitioner did not file a complaint signed by a licensed attorney admitted to practice before this Court and did not pay the \$400.00 fee¹ for instituting a civil action. The Court did not open a civil case.

Petitioner submitted a second petition to proceed pro se, along with other materials, indicating that he wishes to initiate a case in this Court arising from federal and state defendants' actions regarding a mining claim lease. *See* [Doc. 3] at 3–9. After reviewing Petitioner's materials, Chief Magistrate Judge Molzen decided to not permit Petitioner to proceed pro se on this second matter. *Id.* at 1–2. Chief District Judge Armijo approved Chief Magistrate Judge Molzen's decision to not permit Petitioner to proceed pro se. Chief Magistrate Judge Molzen notified Petitioner of the Court's decision. Petitioner did not file a complaint signed by a licensed attorney admitted to practice before this Court and did not pay the \$400.00 fee for instituting a civil action. The Court did not open a civil case on this second matter.

Petitioner subsequently submitted several documents asking the Court to grant his petitions to proceed pro se. *See* [Docs. 4–10]. One of those documents notes that there is no case number from which Petitioner can appeal the Court's decisions to not permit Petitioner to proceed pro se. *See* [Doc. 8] at 1, 4. The Court concluded that Petitioner should be allowed to seek appellate review of the Court's decisions and ordered the Clerk to open this case with all of Petitioner's submissions docketed. *See* [Doc. 1] at 2.

Petitioner has been denied permission to proceed pro se, is not represented by a licensed attorney, and has not paid the filing fee for this case. Within 21 days of entry of this Order, Petitioner must: (i) cause an attorney licensed to practice in this Court to enter an appearance in

¹ The fee for instituting any civil action, suit or proceeding is comprised of a \$350.00 filing fee, *see* 28 U.S.C. §1914, and a \$50.00 administrative fee.

this case on Petitioner's behalf; and (ii) either pay the fee for instituting a new action or file an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)" pursuant to 28 U.S.C. § 1915. Failure to timely comply with either of these requirements may result in the dismissal of this case. Any papers that Petitioner files in response to this Order must include the civil cause number (No. 15-cv-0631 MCA/SMV) of this case.

IT IS ORDERED that Petitioner shall, within 21 days of entry of this Order: (i) cause an attorney licensed to practice in this Court to enter an appearance in this case on Petitioner's behalf; and (ii) either pay the filing fee or file an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)."

IT IS ALSO ORDERED that the Clerk mail a copy of this Order and an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)" to Petitioner at the following address:

Mr. Billy L. Edwards
702 West First Street
Deming, NM 88030

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge